IMT Nuremberg Archives

H – 1070

International Court of Justice

H1070 – 0001

H1070-0002

Com. B.
Take 1-Pg. 1.
Meehan
29 July, 1946.
Roettiger.

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

29 July, 1946.

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER: I.D.
Mr. McIlwraith.

THE O.K.W.

GENERAL HANS ROETTIGER, a witness, took the stand and testified as follows:

~~COMMISSIONER~~ MR MCILWRAITH: Dr. Laternser, will you continue your Cross- examination.

~~DIRECT~~ Cross- EXAMINATION - Resumed

BY DR. LATERNSER:

Q General, a few more questions concerning Affidavit 15, USA Exhibit 559. In the second paragraph, you state and I quote: "In accordance with orders, Jews, political commissars and agents were handed over to the SD for special treatment." What did you think at that time were the results of the handing over of these people to the SD?

A We thought, at that time, that the people handed over to the SD would be punished according to their actions, there might be prison sentences and in instances of severe cases it might be the death sentence.

Q You thought that there would be a trial or an investigation by the SD?

H1070-0003

A We supposed so, because among other things we also handed over German soldiers to the SD who had been sentenced to death by the court and later on they were pardoned. They were handed over to the SD for labor service in the SD.

Q Did you ever attempt to find out the results of this handing over of prisoners?

A That might have been in the fall or late winter of 1942 when my commander in chief, Colonel General Heinrici attempted to clear this question.

Q And what ~~was~~ were the results of this?

A According to the results of the investigation, the SD stated that the persons/who were handed over to the SD were treated according to their crimes.

Q In your last paragraph, you mention the words "From highest authorities." What authority do you mean by that?

A For us in the army, there was only one highest authority and that was the Fuehrer.

Q Now, a few questions concerning Affidavit 16, USA Exhibit 560. In the first sentence you state the following and I quote: "During my period of service in 1942-43, as chief of staff of the 4th army of the Central Army Group, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front-line areas." You used the word "attached" what do you mean by that?

A The word "attached" is a German army term used in connection with units being attached to an organization. They were not under the jurisdiction of the organization, but were rather formally connected with it insofar as supplies, etc. were concerned.

H1070 - 0004

A Yes.

Q Then you use the term "supposedly" and you state that these units were "supposedly" carrying out counter intelligence activities in the front line areas. Did the SD units carry out those counter intelligence actions?

A Yes, they did.

Q You also stated in the next sentence that after a complaint by Field Marshall von Kluge, these units were pulled back from the front line area. Is it not possible that there is a mistake there, since Field Marshall von Kluge could not order these units to go back?

A That which you say is correct. We could not do it. The only way it might be possible for us to do it was later on and then through the added weight of the commander in chief of the army group. By the result you can see that the weight of Field Marshall von Kluge was sufficient.

Q In the next sentence you say and I quote: "The reason for this first and foremost was that the excesses of the SD units by way of execution of Jews and other persons assumed such proportions as to threaten the security of the Army in its combat areas because of the aroused civilian populace." Within the area of the 4th army were such large scale excesses carried out by the SD?

A That occured later.

Q General, I am asking you in connection with the previous sentence relative to the recall of these units by you in connection with the SD unit's excesses. I ask you during that time were there any such excesses in the area of the 4th army?

A Yes, may I explain that? I want to say that the first four words of the sentence state it was clear and I know that in later discussions I asked and I believe it was also done that the words "later" be included. That

is important for the explanation I have presented.

DR. KEMNPER: I see that the copy which Dr. Laternser has does not have the word "spaeter", which is on the original and which means later.

DR. LATERNSER: Then I would like to find out if the word "later" is in the English translation as that is what is to be handed to the Tribunal.

MR. MCILWRAITH: Do you mean the word "later" should be added where?

MR. RAPP: The word "later" should be inserted so that it will read "It became clear later". It is not in the English translation or in the German copy, but it is in the German original.

DR. LATERNSER: Then this document should be changed by the prosecution and the Document which is used for the Tribunal.

MR. MCILWRAITH: Does the prosecution agree that after the words, "It became clear" the word "later" shall be added?

DR. KEMPNER: Yes, the correct copy was before the Tribunal with the word "later" in German.

MR. MCILWRAITH: Let the witness explain.

THE WITNESS: May I add that if I remember correctly, there were several other small rather important changes made in the document.

DR. LATERNSER: Now I have a few questions concerning this topic. What became known when you ar your commander in chief asked that these SD units be recalled?

H1070-0006

THE WITNESS: It was in March or the beginning of April, 1943. At that time an area was added to our army area which previously had not been within our region. This area west of Rosslawl was added to our army area automatically after the front lines had been retarded and later when the death area in the rear was increased. At that time I received reports that the SD in some villages within the area were carrying out arrest. I am not quite sure about all this anymore, but I am sure they were carrying out arrests and I am sure they were carrying out deportations and they were supposed to have been carrying out shootings of some individual Jews.

BY DR. LATERNSER:

Q At that time did you hear there were mass executions or from the reports you received did you hear they were single executions.

A No, the reports and investigations that we conducted thereupon did not show that there were mass executions, but rather single executions.

Q During that investigation did you find out why these people were shot?

A No, If I remember correctly we did not find out the reason.

Q One other question in this connection. As far as you remember, how many shootings were there at that time?

A It is hard for me to answer the question. I cannot say exactly. If I were to have to name a number, I would have to say the maximum number was such and such, but I do want to point out that it is very hard for me to remember that.

Q It would be rather interesting if the court could know how many persons were shot at that time.

H1070 - 0007

A I want to add here that I stated before I cannot remember exactly whether or not there were shootings, because today I only remember arrests and deportations. If I had to say a number, I could only give it as far as I remember and I don't remember exactly, but I would say about fifty or maybe seventy five. I don't know exactly that was divided into quite a large area and through various villages.

MR. MCILWRAITH: How can you give a number of shootings if you were not even sure that there were shootings?

THE WITNESS: Mr. President, I don't know if I expressed myself correctly or not. I stated I was not sure as to the number or if there were any shootings and I mentioned the numbers of 50 or 75 and by that I mean the total of arrests, deportations and possible shootings.

MR. MCILWRAITH: That number covers what months?

THE WITNESS: That was just one case.

MR. MCILWRAITH: You said 50 to 75 arrests, deportations and possible shootings for what period?

THE WITNESS: At one time when we received the report. We did not receive any further reports for previous times or later reports.

MR. MCILWRAITH: When did you receive this one report?

THE WITNESS: I stated already, it was either the end of March or beginning of April in 1943. I am not sure of the exact time.

DR. LATERNSER: General, I have here an affidavit dated July 11, 1946 by your former commander in chief, Colonel General Von Heinrici. This is a sworn affidavit and it concerns itself with the same point on which you have

H1070-0008

madd these previous statements. I want to read you one paragraph of this affidavit and maybe from this report you can remember a little more in detail the number of shootings, which were supposed to be carried out at that time. Colonel General Von Heinrici submits the following .....

DR. KEMPNER: There was a ruling last week that other people's affidavits cannot be brought up in this procedure here. The witness should be asked only about the things he knows or does not know, but not what other people said in other connections about certain facts.

DR. LATERNSER: Mr. Commissioner, I believe that the statement of Dr. Kempner is not quite correct. I was forbidden to present a new document before this commission, however, it was expressedly allowed by the commission that I, in order to refresh the memory of a witness, might read him excerpts of another affidavit, which I might later on introduce before the Tribunal. Up to now the rule of this commission, and this means the last part of the commission, allowed me to present up to now documents like this which were made a part of the record of the commission. I will give a specific example for this.

MR. MCILWRAITH: I don't want an example. This is a very special ~~process~~ procedure, which is confined to cross examining a witness on his affidavit, and it is not appropriate in this procedure to introduce ~~any~~ new documents, but you can get exactly what you want by asking the witness questions from the wording of an affidavit without ~~approaching~~ quoting it.

DR. LATERNSER: Yes. General, I want to remind you of the following: Your ~~commanding~~ Commander in chief, at that time, stated that the request to the SD units

H1070 - 0009

was made because at that time it became generally known that the number of arrests were carried out and one execution and that he had requested the recall of this SD unit after he had heard of one shooting and he heard about it from you. Is it not possible that you are somewhat mistaken about the number of shootings at that time. Is it possible that you added the number of shootings which occured later on to this period, even though at this time only one shooting was known.

MR. MCILWRAITH: There is no need for the witness to answer the question. He has already stated he does not know there were any shootings.

DR. LATERNSER: Would the number then have to be corrected?

MR. MCILWRAITH: No. The number was of the arrests, deportations and shootings, if any.

DR. LATERNSER: If that cannot be misunderstood then of course I am quite content not to ask any more questions about this point.

In the last sentence in your sworn affidavit 16, you state the following and I quote: "Although in general the special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible, because of the danger which existed for our troops." You used the term "in general". What do you mean by that in connection with the special tasks of the SD being known? I am interested in what you mean by the words, "in general."

THE WITNESS: By that ~~in~~ I mean the group in general, the group within the high command who had to concern itself with this particular question.

H1070-0010

Q Then you also state, "Although ~~xxx~~ in general the special tasks of the SD were well known." What do you understand by "special task?" Do you mean by that political examination behind the battle area or do you mean by that mass executions?

A By "special tasks" I understand the same thing as was used in the top of the document, "counter-intelligence."

Q In other words, you don't mean mass executions?

A No - no mass executions.

Q Then, you use in the sentence, the term "highest military authorities." Who do you mean by that?

A As I stated before, there was only one highest military authority, the Fuehrer.

Q You also state that the activities of the SD, and I add in this connection as far as they were against international law, were opposed as far as possible because of the danger which existed for our troops. Is that the only reason that you opposed these SD units or if you can think back, you and your commander in chief wanted to keep up law and right in your area?

A It was much to our interest to keep the laws and right within our area, as well as in the interests of humanity. As we were always very interested in carrying out decent Government policies against the population and parts of them were touched by this. We always attempted to establish good relations with the population. I want to refer back to Affidavit 15

H1070-0011

the second part, to which I added more or less this explanation and that same thing is explained.

DR. LATERNSER: As you have seen from my questioning concerning both these documents, both are rather misunderstandable, which is a very great disadvantage to us. Did you draft these affidavits yourself or were they drafted and handed to you after various discussions?

THE WITNESS: They were presented to me.

DR. LATERNSER: No further questions.

MR. MCILWRAITH: Is there any ~~cross~~ reexamination?

DR. KEMPNER: A very short one.

RE-EXAMINATION.

DR. KEMPNER: I don't know if I understood one of your answers quite correctly. That is why I must come back to it. In this affidavit, which you swore to under oath, you made very severe accusations against the SD. I am talking about the last statements in Affidavit 16. Do you remain with these accusations?

THE WITNESS: In connection with that, I explained today the procedure. I want to state now again what I thought I did on Saturday when I said that these two affidavits are the extracts, the condensing of longer discussions. At that time in the beginning of the interrogation, I mentioned the same examples that I mentioned today in answer to the questions of the defense concerning the SD and that was the basis for my accusations.

DR. KEMPNER: Is it correct to say that these people, whom you thought were only being used for counter intelligence work, were later on used for quite different work?

H1070-0012

A That is why I pointed out the word "later" before.

Q That is why you wanted to get rid of these people?

A Yes.

Q When did you find out that this was a murder clique?

A We heard of these cases at the end of March and beginning of April, 1943.

Q Thank you, that is all.

MR. MCILWRAITH: We are now finished with this witness, that is the end of the hearing.

(THE COMMISSION ADJOURNED AT 1105 HOURS.)

****

The foregoing is a true and correct transcript of the testimony of GENERAL HANS ROETTINGER, taken on 29 July, 1946.

Alice Meehan
Reporter (pp. 1-11

Reporter (pp

CERTIFIED TO: I. D. McIlwraith
Commissioner.

C
O Com. B.
P Take 1-Pg. 1.
Y Meehan
29 July 1946.
Roettiger.

Mr Calvocoressi

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

29 July, 1946.

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER:

Mr. McIlwraith.

THE O.K.W.

GENERAL HANS ROETTIGER, a witness, took the stand and testified as follows:

COMMISSIONER MCILWRAITH: Dr. Laternser, will you continueyour examination.

DIRECT EXAMINATION - Resumed

BY DR. LATERNSER:

Q. General, a few more questions concerning Affidavit 15, USA Exhibit 559. In the second paragraph, you state and I quote: "In accordance with orders, Jews, political commissars and agents were handed over to the SD for special treatment." What did you think at that time were the results of the handing over of these people to the SD?

A. We thought, at that time, that the people handed over to the SD would be punished according to their actions, there might be prison sentences and in instances of severe cases it might be the death sentence.

Q. You thought that there would be a trial or an investigation by the SD?

A. We supposed so, because among other things we also handed over German soldiers to the SD who had been sentenced to death by the court and later on they were pardoned. They were handed over to the SD for labor service in the SD.

Q. Did you ever attempt to find out the results of this handing over of prisoners?

H1070 - 0014

A. That might have been in the fall or late winter of 1942 when my commander in chief, Colonel General Heinrici attempted to clear this question.

Q. And what was the results of this?

A. According to the results of the investigation, the SD stated that the persons who were handed over to the SD were treated according to their crimes.

Q. In your last paragraph, you mention the words "From highest authorities." What authority do you mean by that?

A. For us in the army, there was only one highest authority and that was the Fuehrer.

Q. Now, a few questions concerning Affidavit 16, USA Exhibit 560. In the first sentence you state the following and I quote: "During my period of service in 1942-43, as chief of staff of the 4th army of the Central Army Group, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front-line areas." You used the word "attached" what do you mean by that?

A. The word "attached" is a German army term used in connection with units being attached to an organization. They were not under the jurisdiction of the organization, but were rather formally connected with it insofar as supplies, etc. were concerned.

A. Yes.

Q. Then you use the term "supposedly" and you state that these units were "supposedly" carrying out counter intelligence activities in the front line areas. Did the SD units carry out those counter intelligence actions?

A. Yes, they did.

Q. You also stated in the next sentence that after a complaint by Field Marshall von Kluge, these units were pulled back from the front line area. Is it not possible that there is a mistake there, since Field Marshall von Kluge could not order these units to go back?

H1070 - 0015

A. That which you say is correct. We could not do it. The only way it might be possible for us to do it was later on and then through the added weight of the commander in chief of the army group. By the result you can see that the weight of Field Marshall von Kluge was sufficient.

Q. In the next sentence you say and I quote: "The reason for this first and foremost was that the excesses of the SD units by way of execution of Jews and other persons assumed such proportions as to threaten the security of the Army in its combat areas because of the aroused civilian populace." Within the area of the 4th army such large scale excesses carried out by the SD?

A. That occured later.

Q. General, I am asking you in connection with the previous sentence relative to the recall of these units by you in connection with the SD unit's excesses. I ask you during that time were there any such excesses in the area of the 4th army?

A. Yes, may I explain that? I want to say that the first four words of the sentence state it was clear and I know that in later discussions I asked and I believe it was also done that the words "later" be included. That is important for the explanation I have presented.

DR. KEMPNER: I see that the copy which Dr. Laternser has does not have the word "spaeter", which is on the original and which means later.

DR. LATERNSER: Then I would like to find out if the word "later" is in the English translation as that is what is to be handed to the Tribunal.

MR. MCILWRAITH: Do you mean the word "later" should be added?

MR. RAPP: The word "later" should be inserted so that it will read "It became clear later". It is not in the English translation or in the German copy, but it is in the German original.

DR. LATERNSER: Then this document should be changed by the prosecution and the Document which is used for the Tribunal.

H1070 - 0016

MR. MCILWRAITH: Does the prosecution agree that after the words, "It became clear" the word "later" shall be added?

DR. KEMPNER: Yes, the correct copy was before the Tribunal with the word "later" in German.

MR. MCILWRAITH: Let the witness explain.

THE WITNESS: May I add that if I remember correctly, there were several other small rather important changes made in the document.

DR. LATERNSER: Now I have a few questions concerning this topic. What became known when your commander in chief asked that these SD units be recalled?

THE WITNESS: It was in March or the beginning of April, 1943. At that time an area was added to our army area which previously had not been within our region. This area west of Rosslawl was added to our army area automatically after the front lines had been retarded and later when the death area in the rear was increased. At that time I received reports that the SD in some villages within the area were carrying out arrest. I am not quite sure about all this anymore, but I am sure they were carrying out arrests and I am sure they were carrying out deportations and they were supposed to have been carrying out shootings of some individual Jews.

BY DR. LATERNSER:

Q. At that time did you hear there were mass executions or from the reports you received did you hear they were single executions.

A. No, the reports and investigations that we conducted thereupon did not show that there were mass executions, but rather single executions.

Q. During that investigation did you find out why these people were shot?

A. No, if I remember correctly we did not find out the reason.

Q. One other question in this connection. As far as you remember, how many shootings were there at that time?

H1070 - 0017

A. It is hard for me to answer the question. I cannot say exactly. If I were to have to name a number, I would have to say the maximum number was such and such, but I do want to point out that it is very hard for me to remember that.

Q. It would be rather interesting if the court could know how many persons were shot at that time.

A. I want to add here that I stated before I cannot remember exactly whether or not there were shootings, because today I only remember arrests and deportations. If I had to say a number, I could only give it as far as I remember and I don't remember exactly, but I would say about fifty or maybe seventy-five. I don't know exactly that was divided into quite a large area and through various villages.

MR. MCILWRAITH: How can you give a number of shootings if you were not even sure that there were shootings?

THE WITNESS: Mr. President, I don't know if I expressed myself correctly or not. I stated I was not sure as to the number or if there were any shootings and I mentioned the numbers of 50 or 75 and by that I mean the total of arrests, deportations and possible shootings.

MR. MCILWRAITH: That number covers what months?

THE WITNESS: That was just one case.

MR. MCILWRAITH: You said 50 to 75 arrests, deportations and possible shootings for what period?

THE WITNESS: That was just one case.

MR. MCILWRAITH: You said 50 to 75 arrests, deportations and possible shootings for what period?

THE WITNESS: At one time when we received the report. We did not receive any further reports for previous times or later reports.

MR. MCILWRAITH: When did you receive this one report?

H1070 - 0018

THE WITNESS: I stated already, it was either the end of March or beginning of April in 1943. I am not sure of the exact time.

DR. LATERNSER: General, I have here an affidavit dated July 11, 1946 by your former commander in chief, Colonel General Von Heinrici. This is a sworn affidavit and it concerns itself with the same point on which you have made these previous statements. I want to read you one paragraph of this affidavit and maybe from this report you can remember a little more in detail the number of shootings, which were supposed to be carried out at that time. Colonel General Von Heinrici submits the following .....

DR. KEMPNER: There was a ruling last week that other people's affidavits cannot be brought up in this procedure here. The witness should be asked only about the things he knows or does not know, but not what other people said in other connections about certain facts.

DR. LATERNSER: Mr. Commissioner, I believe that the statement of Dr. Kempner is not quite correct. I was forbidden to present a new document before this commission, however, it was expressedly allowed by the commission that I, in order to refresh the memory of a witness, might read him excerpts of another affidavit, which I might later on introduce before the Tribunal. Up to now the rule of this commission, and this means the last part of the commission, allowed me to present up to now documents like this which were made a part of the record of the commission. I will give a specific example for this.

MR. MCILWRAITH: I don't want an example. This is a very special procedure, which is confined to cross examining a witness on his affidavit and it is not appropriate in this procedure to introduce any documents, but you can get exactly what you want by asking the witness questions from the wording of an affidavit without approaching it.

H1070 - 0019

DR. LATERNSER: Yes. General, I want to remind you of the following: Your commanding chief, at that time, stated that the request to the SD units was made because at that time it became generally known that the number of arrests were carried out and one execution and that he had requested the recall of this SD unit after he had heard of one shooting and he heard about it from you. Is it not possible that you are somewhat mistaken about the number of shootings at that time. Is it possible that you added the number of shootings which occured later on to this period, even though at this time only one shooting was known.

MR. MCILWRAITH: There is no need for the witness to answer the question. He has already stated he does not know there were any shootings.

DR. LATERNSER: Would the number then have to be corrected?

MR. MCILWRAITH: No. The number was of the arrests, deportations and shootings, if any.

DR. LATERNSER: If that cannot be misunderstood then of course I am quite content not to ask any more questions about this point.

In the last sentence in your sworn affidavit 16, you state the following and I quote: "Although in general the special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible, because of the danger which existed for our troops." You used the term "in general."

THE WITNESS: By that in mean the group in general, the group within the high command who had to concern itself with this particular question.

Q. Then you also state, "Although in general the special tasks of the SD were well known." What do you understand by "special ~~tasks~~ task?" Do you mean by that political examination behind the battle area or do you mean by that mass executions?

H1070 - 0020

A. By "special tasks" I understand the same thing as was used in the top of the document, "counter-intelligence."

Q. In other words, you don't mean mass executions?

A. No - no mass executions.

Q. Then, you use in the sentence, the term "highest military authorities." Who do you mean by that?

A. As I stated before, there was only one highest military authority, the Fuehrer.

Q. You also state that the activities of the SD, and I add in this connection as far as they were against international law, were opposed as far as possible because of the danger which existed for our troops. Is that the only reason that you opposed these SD units or if you can think back, you and your commander in chief wanted to keep up law and right in your area?

A. It was much to our interest to keep the laws and right within our area, as well as in the interests of humanity. As we were always very interested in carrying out decent Government policies against the population and parts of them were touched by this. We always attempted to establish good relations with the population. I want to refer back to Affidavit 15 the second part, to which I added more or less this explanation and that same thing is explained.

DR. LATERNSER: As you have seen from questioning concerning both these documents, both are rather misunderstandable, which is a very great disadvantage to us. Did you draft these affidavits yourself or were they drafted and handed to you after various discussions?

THE WITNESS: They were presented to me.

DR. LATERNSER: No further questions.

MR. MCILWRAITH: Is there any re-examination?

DR. KEMPNER: A very short one.

H1070 - 0021

RE-EXAMINATION

DR. KEMPNER: I don't know if I understood one of your answers quite correctly. That is why I must come back to it. In this affidavit, which you swore to under oath, you made very severe accusations against the SD. I am talking about the last statements in Affidavit 16. Do you remain with these accusations?

THE WITNESS: In connection with that, I explained today the procedure. I want to state now again what I thought I did on Saturday when I said that these two affidavits are the extracts, the condensing of longer discussions. At that time in the beginning of the interrogation, I mentioned the same examples that I mentioned today in answer to the questions of the defense concerning the SD and that was the basis for my accusations.

DR. KEMPNER: Is it correct to say that these people, whom you thought were only being used for counter intelligence work, were later on used for quite different work?

A. That is why I pointed out the word "later" before.

Q. That is why you wanted to get rid of these people?

A. Yes.

Q. When did you find out that this was a murder clique?

A. We heard of these cases at the end of March and beginning of April, 1943.

Q. Thank you, that is all.

MR. MCILWRAITH: We are now finished with this witness, that is the end of the hearing.

(THE COMMISSION ADJOURNED AT 1115 HOURS.)

C
O Com. B.
P Take 1-Pg. 1.
Y Meehan
29 July 1946.
Roettiger.

H1070 - 0022

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

29 July, 1946.

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER:

Mr. McIlwraith.

THE O.K.W.

GENERAL HANS ROETTIGER, a witness, took the stand and testified as follows:

COMMISSIONER MCILWRAITH: Dr. Laternser, will you continueyour examination.

DIRECT EXAMINATION - Resumed

BY DR. LATERNSER:

Q. General, a few more questions concerning Affidavit 15, USA Exhibit 559. In the second paragraph, you state and I quote: "In accordance with orders, Jews, political commissars and agents were handed over to the SD for special treatment." What did you think at that time were the results of the handing over of these people to the SD?

A. We thought, at that time, that the people handed over to the SD would be punished according to their actions, there might be prison sentences and in instances of severe cases it might be the death sentence.

Q. You thought that there would be a trial or an investigation by the SD?

A. We supposed so, because among other things we also handed over German soldiers to the SD who had been sentenced to death by the court and later on they were pardoned. They were handed over to the SD for labor service in the SD.

Q. Did you ever attempt to find out the results of this handing over of prisoners?

H1070 - 0023

A. That might have been in the fall or late winter of 1942 when my commander in chief, Colonel General Heinrici attempted to clear this question.

Q. And what was the results of this?

A. According to the results of the investigation, the SD stated that the persons who were handed over to the SD were treated according to their crimes.

Q. In your last paragraph, you mention the words "From highest authorities." What authority do you mean by that?

A. For us in the army, there was only one highest authority and that was the Fuehrer.

Q. Now, a few questions concerning Affidavit 16, USA Exhibit 560. In the first sentence you state the following and I quote: "During my period of service in 1942-43, as chief of staff of the 4th army of the Central Army Group, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front-line areas." You used the word "attached" what do you mean by that?

A. The word "attached" is a German army term used in connection with units being attached to an organization. They were not under the jurisdiction of the organization, but were rather formally connected with it insofar as supplies, etc. were concerned.

A. Yes.

Q. Then you use the term "supposedly" and you state that these units were "supposedly" carrying out counter intelligence activities in the front line areas. Did the SD units carry out those counter intelligence actions?

A. Yes, they did.

Q. You also stated in the next sentence that after a complaint by Field Marshall von Kluge, these units were pulled back from the front line area. Is it not possible that there is a mistake there, since Field Marshall von Kluge could not order these units to go back?

H1070 - 0024

A. That which you say is correct. We could not do it. The only way it might be possible for us to do it was later on and then through the added weight of the commander in chief of the army group. By the result you can see that the weight of Field Marshall von Kluge was sufficient.

Q. In the next sentence you say and I quote: "The reason for this first and foremost was that the excesses of the SD units by way of execution of Jews and other persons assumed such proportions as to threaten the security of the Army in its combat areas because of the aroused civilian populace." Within the area of the 4th army such large scale excesses carried out by the SD?

A. That occured later.

Q. General, I am asking you in connection with the previous sentence relative to the recall of these units by you in connection with the SD unit's excesses. I ask you during that time were there any such excesses in the area of the 4th army?

A. Yes, may I explain that? I want to say that the first four words of the sentence state it was clear and I know that in later discussions I asked and I believe it was also done that the words "later" be included. That is important for the explanation I have presented.

DR. KEMPNER: I see that the copy which Dr. Laternser has does not have the word "spaeter", which is on the original and which means later.

DR. LATERNSER: Then I would like to find out if the word "later" is in the English translation as that is what is to be handed to the Tribunal.

MR. MCILWRAITH: Do you mean the word "later" should be added?

MR. RAPP: The word "later" should be inserted so that it will read "It became clear later". It is not in the English translation or in the German copy, but it is in the German original.

DR. LATERNSER: Then this document should be changed by the prosecution and the Document which is used for the Tribunal.

H1070 - 0025

MR. MCILWRAITH: Does the prosecution agree that after the words, "It became clear" the word "later" shall be added?

DR. KEMPNER: Yes, the correct copy was before the Tribunal with the word "later" in German.

MR. MCILWRAITH: Let the witness explain.

THE WITNESS: May I add that if I remember correctly, there were several other small rather important changes made in the document.

DR. LATERNSER: Now I have a few questions concerning this topic. What became known when your commander in chief asked that these SD units be recalled?

THE WITNESS: It was in March or the beginning of April, 1943. At that time an area was added to our army area which previously had not been within our region. This area west of Rosslawl was added to our army area automatically after the front lines had been retarded and later when the death area in the rear was increased. At that time I received reports that the SD in some villages within the area were carrying out arrest. I am not quite sure about all this anymore, but I am sure they were carrying out arrests and I am sure they were carrying out deportations and they were supposed to have been carrying out shootings of some individual Jews.

BY DR. LATERNSER:

Q. At that time did you hear there were mass executions or from the reports you received did you hear they were single executions.

A. No, the reports and investigations that we conducted thereupon did not show that there were mass executions, but rather single executions.

Q. During that investigation did you find out why these people were shot?

A. No, if I remember correctly we did not find out the reason.

Q. One other question in this connection. As far as you remember, how many shootings were there at that time?

H1070 - 0026

A. It is hard for me to answer the question. I cannot say exactly. If I were to have to name a number, I would have to say the maximum number was such and such, but I do want to point out that it is very hard for me to remember that.

Q. It would be rather interesting if the ccurt could know how many persons were shot at that time.

A. I want to add here that I stated before I cannot remember exactly whether or not there were shootings, because today I only remember arrests and deportations. If I had to say a number, I could only give it as far as I remember and I don't remember exactly, but I would say about fifty or maybe seventy-five. I don't know exactly that was divided into quite a large area and through various villages.

MR. MCILWRAITH: How can you give a number of shootings if you were not even sure that there were shootings?

THE WITNESS: Mr. President, I don't know if I expressed myself correctly or not. I stated I was not sure as to the number or if there were any shootings and I mentioned the numbers of 50 or 75 and by that I mean the total of arrests, deportations and possible shootings.

MR. MCILWRAITH: That number covers what months?

THE WITNESS: That was just one case.

MR. MCILWRAITH: You said 50 to 75 arrests, deportations and possible shootings for what period?

THE WITNESS: That was just one case.

MR. MCILWRAITH: You said 50 to 75 arrests, deportations and possible shootings for what period?

THE WITNESS: At one time when we received the report. We did not receive any further reports for previous times or later reports.

MR. MCILWRAITH: When did you receive this one report?

H1070 - 0027

THE WITNESS: I stated already, it was either the end of March or beginning of April in 1943. I am not sure of the exact time.

DR. LATERNSER: General, I have here an affidavit dated July 11, 1946 by your former commander in chief, Colonel General Von Heinrici. This is a sworn affidavit and it concerns itself with the same point on which you have made these previous statements. I want to read you one paragraph of this affidavit and maybe from this report you can remember a little more in detail the number of shootings, which were supposed to be carried out at that time. Colonel General Von Heinrici submits the following .....

DR. KEMPNER: There was a ruling last week that other people's affidavits cannot be brought up in this procedure here. The witness should be asked only about the things he knows or does not know, but not what other people said in other connections about certain facts.

DR. LATERNSER: Mr. Commissioner, I believe that the statement of Dr. Kempner is not quite correct. I was forbidden to present a new document before this commission, however, it was expressedly allowed by the commission that I, in order to refresh the memory of a witness, might read him excerpts of another affidavit, which I might later on introduce before the Tribunal. Up to now the rule of this commission, and this means the last part of the commission, allowed me to present up to now documents like this which were made a part of the record of the commission. I will give a specific example for this.

MR. MCILWRAITH: I don't want an example. This is a very special procedure, which is confined to cross examining a witness on his affidavit and it is not appropriate in this procedure to introduce any documents, but you can get exactly what you want by asking the witness questions from the wording of an affidavit without approaching it.

H1070 - 0028

DR. LATERNSER: Yes. General, I want to remind you of the following: Your commanding chief, at that time, stated that the request to the SD units was made because at that time it became generally known that the number of arrests were carried out and one execution and that he had requested the recall of this SD unit after he had heard of one shooting and he heard about it from you. Is it not possible that you are somewhat mistaken about the number of shootings at that time. Is it possible that you added the number of shootings which occured later on to this period, even though at this time only one shooting was known.

MR. MCILWRAITH: There is no need for the witness to answer the question. He has already stated he does not know there were any shootings.

DR. LATERNSER: Would the number then have to be corrected?

MR. MCILWRAITH: No. The number was of the arrests, deportations and shootings, if any.

DR. LATERNSER: If that cannot be misunderstood then of course I am quite content not to ask any more questions about this point.

In the last sentence in your sworn affidavit 16, you state the following and I quote: "Although in general the special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible, because of the danger which existed for our troops." You used the term "in general."

THE WITNESS: By that in mean the group in general, the group within the high command who had to concern itself with this particular question.

Q. Then you also state, "Although in general the special tasks of the SD were well known." What do you understand by "special [redacted] task?" Do you mean by that political examination behind the battle area or do you mean by that mass executions?

H1070 - 0029

A. By "special tasks" I understand the same thing as was used in the top of the document, "counter-intelligence."

Q. In other words, you don't mean mass executions?

A. No - no mass executions.

Q. Then, you use in the sentence, the term "highest military authorities." Who do you mean by that?

A. As I stated before, there was only one highest military authority, the Fuehrer.

Q. You also state that the activities of the SD, and I add in this connection as far as they were against international law, were opposed as far as possible because of the danger which existed for our troops. Is that the only reason that you opposed these SD units or if you can think back, you and your commander in chief wanted to keep up law and right in your area?

A. It was much to our interest to keep the laws and right within our area, as well as in the interests of humanity. As we were always very interested in carrying out decent Government policies against the population and parts of them were touched by this. We always attempted to establish good relations with the population. I want to refer back to Affidavit 15 the second part, to which I added more or less this explanation and that same thing is explained.

DR. LATERNSER: As you have seen from questioning concerning both these documents, both are rather misunderstandable, which is a very great disadvantage to us. Did you draft these affidavits yourself or were they drafted and handed to you after various discussions?

THE WITNESS: They were presented to me.

DR. LATERNSER: No further questions.

MR. MCILWRAITH: Is there any re-examination?

DR. KEMPNER: A very short one.

H1070 - 0030

RE-EXAMINATION

DR. KEMPNER: I don't know if I understood one of your answers quite correctly. That is why I must come back to it. In this affidavit, which you swore to under oath, you made very severe accusations against the SD. I am talking about the last statements in Affidavit 16. Do you remain with these accusations?

THE WITNESS: In connection with that, I explained today the procedure. I want to state now again what I thought I did on Saturday when I said that these two affidavits are the extracts, the condensing of longer discussions. At that time in the beginning of the interrogation, I mentioned the same examples that I mentioned today in answer to the questions of the defense concerning the SD and that was the basis for my accusations.

DR. KEMPNER: Is it correct to say that these people, whom you thought were only being used for counter intelligence work, were later on used for quite different work?

A. That is why I pointed out the word "later" before.

Q. That is why you wanted to get rid of these people?

A. Yes.

Q. When did you find out that this was a murder clique?

A. We heard of these cases at the end of March and beginning of April, 1943.

Q. Thank you, that is all.

MR. MCILWRAITH: We are now finished with this witness, that is the end of the hearing.

(THE COMMISSION ADJOURNED AT 1115 HOURS.)

H1070 - 0031

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

29 July, 1946.

(THE COMMISSION CONVENED AT 1000 HOURS.)

COMMISSIONER:

Mr. I.D. McIlwraith.

THE O.K.W.

GENERAL HANS ROETTIGER, a witness, took the stand and testified as follows

MR. MCILWRAITH: Dr. Laternser, will you continue your cross examination.

CROSS EXAMINATION -- Resumed

BY DR. LATERNSER:

Q General, a few more questions concerning Affidavit 15, USA Exhibit 559. In the second paragraph, you state and I quote: "In accordance with orders, Jews, political commissars and agents were handed over to the SD for special treatment." What did you think at that time were the results of the handing over of these people to the SD?

A We thought, at that time, that the people handed over to the SD would be punished according to their actions, there might be prison sentences and in instances of severe cases it might be the death sentence.

Q You thought that there would be a trial or an investigation by the SD?

A We supposed so, because among other things we also handed over German soldiers to the SD who had been sentences to death by the court and later on they were pardoned. They were handed over to the SD for labor service in the SD.

Q Did you ever attempt to find out the results of this handing over of prisoners?

A That might have been in the fall or late winter of 1942 when my commander in chief, Colonel General Heinrici, attempted to clear this question.

Q And what were the results of this?

A According to the results of the investigation, the SD stated that the persons who were handed over to the SD were treated according to their crimes.

Q In your last paragraph, you mention the words "From highest authorities." What authority do you mean by that?

A For us in the army, there was only one highest authority and that was the Fuehrer.

Q Now, a few questions concerning Affidavit 16, USA Exhibit 560. In the first sentence you state the following and I quote: "During my period of service in 1942-43, as chief of staff of the 4th army of the Central Army Group, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front-line areas." You used the word "attached" what do you mean by that?

A The word "attached" is a German Army term used in connection with units being attached to an organization. They were not under the jurisdiction of the organization, but were rather formally connected with it insofar as supplies, etc. were concerned.

A Yes.

Q Then you use the term "supposedly" and you state that these units were "supposedly" carrying out counter intelligence activities in the front line areas. Did the SD units carry out those counter intelligence actions?

A Yes, they did.

Q You also stated in the next sentence that after a complaint by Field Marshal von Kluge, these units were pulled back from the front line area. Is it not possible that there is a mistake there, since Field Marshal von Kluge could not order these units to go back?

A That which you say is correct. We could not do it. The only way it might be possible for us to do it was later on and then through the added weight of the commander-in-chief of the army group. By the result you can see that the weight of Field Marshal von Kluge was sufficient.

Q In the next sentence you say and I quote: "The reason for this first and foremost was that the excesses of the SD units by way of execution of Jews and other persons assumed such proportions as to threaten the security of the Army in its combat areas because of the aroused civilian populace." Within the area of the 4th army were such large scale excesses carried out by the SD?

A That occurred later.

Q General, I am asking you in connection with the previous sentence relative to the recall of these units by you in connection with the SD unit's excesses. I ask you during that time there were there any such excesses in the area of the 4th army?

H1070-0032

H1070 - 0033

A Yes, may I explain that? I want to say that the first four words of the sentence state it was clear and I know that in later discussions I aske and I believe it was also done that the words "later" be included. That is important for the explanation I have presented.

DR. KEMPNER: I see that the copy which Dr. Laternser has does not have the word "spaeter", which is on the original and which means later.

DR. LATERNSER: Then I would like to find out if the word "later" is in the English translation as that is what is to be handed to the Tribunal.

MR. MCILWRAITH: Where do you mean the word "later" should be added?

MR. RAPP: The word "later" should be inserted so that it will read "it became clear later." It is not in the English translation or in the German copy, but it is in the German original.

DR. LATERNSER: Then this document should be changed by the prosecution and the Document which is used for the Tribunal.

MR. MCILWRAITH: Does the prosecution agree that after the words "It became clear" the word "later" shall be added?

DR. KEMPNER: Yes, the correct copy was before the Tribunal with the word "later" in German.

MR. MCILWRAITH: Let the witness explain.

THE WITNESS: May I add that if I remember correctly, there were several other small rather important changes made in the document.

DR. LATERNSER: Now I have a few questions concerning this topic; What became known when you or your commander-in-chief asked that these SD units be recalled?

THE WITNESS: It was in March or the beginning of April, 1943. At that time an area was added to our army area which previously had not been within our region. This area west of Rosslawl was added to our army area automatically after the front lines had been retarded and later when the death area in the rear was increased. At that time I received reports that the SD in some villages within the area were carrying out arrest. I am not quite sure about all this anymore, but I am sure they were carrying out arrests and I am sure they were carrying out deportations and they were supposed to have been carrying out shootings of some individual Jews.

H1070 - 0034

BY DR. LATERNSER:

Q At that time did you hear there were mass executions or from the reports you received did you hear they were single executions?

A No, the reports and investigations that we conducted thereupon did not show that there were mass executions, but rather single executions.

Q During that investigation did you find out why these people were shot?

A No, If I remember correctly we did not find out the reason.

Q One other question in this connection. As far as you remember, how ma shootings were there at that time?

A It is hard for me to answer the question. I cannot say exactly. If I were to have to name a number, I would have to say the maximum number was such and such, but I do want to point out that it is very hard for me to remember that.

Q It would be rather interesting if the court could know how many persons were shot at that time.

A I want to add here that I stated before I cannot remember exactly whether or not there were shootings, because today I only remember arrests and deportations. If I had to say a number, I couldonly give it as far as I remember and I don't remember exactly, but I would say about fifty or maybe seventy five. I don't know exactly that was divided into quite a large area and through various villages.

MR. MCILWRAITH: How can you give a number of shootings if you were not even sure that there were shootings?

THE WITNESS: Mr. President, I don't know if I expressed myself correctly or not. I stated I was not sure as to the number or if there were any shootings and I mentioned the numbers of 50 or 75 and by that I mean the total of arrests, deportations and possible shootings.

MR. MCILWRAITH: That number covers what months?

THE WITNESS: That was just one case.

MR. MCILWRAITH: You said 50 to 75 arrests, deportations and possible shootings for what period?

THE WITNESS: At one time when we received the report. We did not receive any further reports for previous times or later reports.

H1070-0035

MR. MCILWRAITH: When did you receive this one report?

THE WITNESS: I stated already, it was either the end of March or beginning of April in 1943. I am not sure of the exact time.

DR. LATERNSER: General, I have here an affidavit dated July 11, 1946, by your former commander in chief, Colonel General von Heinrici. This is a sworn affidavit and it concerns itself with the same point on which you have

made these previous statements. I want to read you one paragraph of this affidavit and amybe from this report you can remember a little more in detail the number of shootings, which were supposed to be carried out at that time. Colonel General Von Heinrici submits the following ....

DR. KEMPNER: There was a ruling last week that other people's affidavi cannot be brought up in this procedure here. The witness should be asked only about the things he knows or does not know, but not what other people said in other connections about certain facts.

DR. LATERNSER: Mr. Commissioner, I believe that the statement of Dr. Kempner is not quite correct. I was forbidden to present a new document before this commission, however, it was expressedly allowed by the commission that I, in order to refresh the memory of a witness, might read him excerpts of another affidavit, which I might later on introduce before the Tribunal. Up to now, the rule of this commission, and this means the last part of the commission, allowed me to present up to now documents like this which were made a part of the record of the commission. I will give a specific example for this.

MR. MCILLWRAITH: I don't want an example. This is a very special procedure, which is confined to cross examining a witness on his affidavit, and it is not appropriate in this procedure to introduce new documents, but you can get exactly what you want by asking the witness questions from the working of an affidavit without quoting it.

DR. LATERNSER: Yes. General, I want to remind you of the following : Your Commander-in-Chief, at that time, stated that the request to the SD units was made because at that time, it became generally known that the number of arrests were carried out and one execution and that he had requested the recall of this SD unit after he had heard of one shooting and he heard about it from you. Is it not possible that you are somewhat mistaken about the number of shootings at that time. Is it possible that you added the number of shootings which occured later on to this period, even though at this time only one shooting was known.

MR. MCILLWRAITH: There is no need for the witness to answer the quest He has already stated he does not know there were any shootings.

H1070-0036

H1070-0037

DR. LATERNSER: Would the number then have to be corrected ?

MR. MCILRAITH: No. The number was of the arrests, deportations and shootings , if any.

DR. LATERNSER: If that cannot be misunderstood then of course I am quite content not to ask any more questions about this point.

In the last sentence in your sworn affidavit A6 you state the followi and I quote :"Although in general the special tasks of the SD units were we known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible, because of the danger which existed for our troops." You used the term "in general" What do you mean by that in connection with the special tasks of the SD being known ? I am interested in what you mean by the words, "in general".

WITNESS: By that I mean the group in general, the group within the high command who had to concern itself with this particular question.

Q. Then you also state, "Although in general the special tasks of the SD were well known." What do you understand by "special task "? Do you mean by that political examination behind the battle area or do you mean by that mass executions ?

A. By "Special tasks" I understand the same thing as was used in the top of the document, "counter-Intelligence".

Q. In other words, you don't mean mass executions?

A. No, no mass executions.

Q. Then, you use in the sentence, the term "highest military authorities' Who do you mean by that ?

A. As I stated before, there was only one highest military authority, the Fuehrer.

Q. You also state that the activities of the SD, and I add in this connec tion as far as they were against international law, were opposed as far as possible because of the danger which existed for our troops. Is that the only reason that you opposed these SD units or if you can think back, you and your commander in chief wanted to kee p up law and right in your area ?

A. It was much to our interest to keep the laws and right within our area as well as in the interests of humanity. As we were always very interested in carrying out decent Government policies against the population and parts of them were touched by this. We always attempted to establish good relati with the population. I want to refer back to Affidavit 15 the second part to which I added more or less this explanation and that same thing is explained.

DR. LATERNER: As you have seen from my questioning concerning both these documents both are rather musunderstandable, which is a very great disadvantage to us. Did you draft these affidavits yourself or were they drafted andhanded to you after various discussions ?

THE WITNESS: They were presented to me.

DR. LATERNSER: No further questions.

MR. MCILLWRAITH: Is there any re-examination ?

DR. KEMPNER: A very short one.

RE-EXAMINATION

DR. KEMPNER: I don't know if I understood one of your answers quite correctly. That is why I must come back to it. In this affidavit, which you swore to under oath, you made very severe accusations against the SD. I am talking about the last statements of Affidavit 16. Do you remain with these accusations ?

WITNESS: In connection with that, I explained today the procedure. I want to state how again what I thought I did no Saturday when I said that these two affidavits are the extracts, the condensing of longer discussions. At that time in the beginning of the interrogation, I mentioned the same examples that I mentioned today in answer to the questions of the defense concerning the SD and that was the basis for my accusations.

DR. KEMPNER: Is it correct to say that these people, whom you thought were only being used for counter intelligence work, were later on used for quite different work ?

H1070-0038

H1070 – 0039

A. That is why I pointed out the word "la ter" before.

Q. That is why you wanted to get rid of these people ?

A. Yes.

Q. When did you find out that this was a murder clique ?

A. We heard of these cases at the end of March and beginning of April, 1943.

Q. Thank you, that is all.

MR. MCILLWRIATH: We are now finished with this witness, that is the end of the hearing.

(The Commission adjourned at 1105)

The foregoing is a true and correct transcript of the testimony of GENERAL HANS ROETTINGER, taken on 29 July 1946.

Alice Meehan
reporter

CERTIFIED TO:

Mr. McIllwraith
commissioner